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**Return or restitution of cultural property to the countries of origin**

**Afghanistan, Albania, Algeria, Argentina, Armenia, Bangladesh, Benin, Bolivia, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, China, Colombia, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, Ethiopia, Gabon, Georgia, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iraq, Lebanon, Marshall Islands, Mongolia, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Suriname, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Ukraine, United States of America, Uruguay and Yugoslavia: draft resolution**

## Return or restitution of cultural property to the countries of origin

*The General Assembly*,

*Reaffirming* the relevant provisions of the Charter of the United Nations,

*Recalling* its resolutions 3026 A (XXVII) of 18 December 1972, 3148 (XXVIII) of 14 December 1973, 3187 (XXVIII) of 18 December 1973, 3391 (XXX) of 19 November 1975, 31/40 of 30 November 1976, 32/18 of 11 November 1977, 33/50 of 14 December 1978, 34/64 of 29 November 1979, 35/127 and 35/128 of 11 December 1980, 36/64 of 27 November 1981, 38/34 of 25 November 1983, 40/19 of 21 November 1985, 42/7 of 22 October 1987, 44/18 of 6 November 1989, 46/10 of 22 October 1991, 48/15 of 2 November 1993, 50/56 of 11 December 1995, 52/24 of 27 November 1997 and 54/190 of 17 December 1999,

*Recalling also* its resolution 56/8 of 21 November 2001 on the proclamation of the year 2002 as the United Nations Year for Cultural Heritage,

*Recalling further* the Convention for the Protection of Cultural Property in the Event of Armed Conflict,[1] adopted at The Hague on 14 May 1954,

*Recalling* the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,[2] adopted on

[1] United Nations, *Treaty Series*, vol. 249, No. 3511.
[2] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Sixteenth Session, Paris, 12 October-14 November 1970*, vol. 1: *Resolutions*, p. 135.

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14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

*Recalling also* the Convention concerning the Protection of the World Cultural and Natural Heritage,[3] adopted on 16 November 1972 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

*Recalling further* the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects,[4] adopted at Rome on 24 June 1995,

*Recalling* the Medellin Declaration for Cultural Diversity and Tolerance and the Plan of Action on Cultural Cooperation, adopted at the first Meeting of the Ministers of Culture of the Movement of Non-Aligned Countries, held at Medellin, Colombia, on 4 and 5 September 1997,

*Noting* the adoption of the Universal Declaration on Cultural Diversity[5] and the action plan for its implementation, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 2 November 2001,

*Welcoming* the report of the Secretary-General submitted in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization,[6]

*Aware* of the importance attached by some countries of origin to the return of cultural property that is of fundamental spiritual and cultural value to them so that they may constitute collections representative of their cultural heritage,

*Expressing concern* about the illicit traffic in cultural property and its damage to the cultural heritage of nations,

*Expressing concern also* about the loss, destruction, removal, theft, pillage, illicit movement or misappropriation of and any acts of vandalism or damage directed against cultural property in areas of armed conflict and territories that are occupied, whether such conflicts are international or internal,

1. *Commends* the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property and the implementation of the Object ID standard related thereto, as well as for the reduction of illicit traffic in cultural property and the dissemination of information to the public;

2. *Reaffirms* the importance of the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict,[1] and invites Member States that have not already done so to become parties to the Convention and to promote its implementation;

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[3] United Nations, *Treaty Series*, vol. 1037, No. 15511.

[4] See http://www.unidroit.org.

[5] See http://www.unesco.org/confgen/press_rel/021101_clt_diversity.shtml.

[6] A/56/413.

3. *Welcomes* the adoption of the Second Protocol to the Convention, adopted at The Hague on 26 March 1999, and invites all States Parties to the Convention to consider becoming parties to the Second Protocol to the Convention;

4. *Invites* Member States to consider adopting and implementing the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;[2]

5. *Reaffirms* the importance of the provisions of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects,[4] and invites Member States that have not already done so to consider becoming parties to it;

6. *Urges* Member States to introduce effective national and international measures to prevent and combat the illicit trafficking in cultural property;

7. *Calls upon* all relevant bodies, agencies, funds and programmes of the United Nations system and other relevant intergovernmental organizations to work in coordination with the United Nations Educational, Scientific and Cultural Organization, within their mandates and in cooperation with Member States, in order to continue to address the issue of return or restitution of cultural property to the countries of origin, and to provide appropriate support accordingly;

8. *Invites* Member States to continue drawing up, in cooperation with the United Nations Educational, Scientific and Cultural Organization, systematic inventories of their cultural property;

9. *Reaffirms* the efforts of the United Nations Educational, Scientific and Cultural Organization to promote the use of identification systems, in particular the application of the Object ID system, and to encourage the linking of identification systems and existing databases, including the one developed by the International Criminal Police Organization — Interpol, to allow for the electronic transmission of information in order to reduce the illicit trafficking of cultural property, and encourages the United Nations Educational, Scientific and Cultural Organization to make further efforts in this regard, in cooperation with Member States, where appropriate;

10. *Welcomes* the adoption of the International Code of Ethics for Dealers in Cultural Property[7] by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 16 November 1999, and takes note of the creation by the General Conference at the same session of the International Fund for the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, which was launched in November 2000 on the occasion of the thirtieth anniversary of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;

11. *Encourages* the Director-General of the United Nations Educational, Scientific and Cultural Organization to define and implement a strategy for the effective promotion of the International Fund for the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, and invites

[7] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirtieth Session, Paris, 26 October-17 November 1999*, vol. 1: *Resolutions*, p. 65.

Member States, intergovernmental bodies, the private sector and other interested donors of the international community to make voluntary contributions to the Fund;

12. *Requests* the Secretary-General to cooperate with the United Nations Educational, Scientific and Cultural Organization in its efforts to develop all possibilities, including any further initiatives, for bringing about the attainment of the objectives of the present resolution;

13. *Also requests* the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its fifty-eighth session a report on the implementation of the present resolution;

14. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Return or restitution of cultural property to the countries of origin".